



STATE MINING AND GEOLOGY BOARD

EXECUTIVE OFFICER'S REPORT

For Meeting Date: April 13, 2006

Agenda Item No. 3: Report by the Office of Mine Reclamation Regarding Santa Clara County

INTRODUCTION: On March 22, 2005, the office of the State Mining and Geology Board (SMGB) received correspondence and documentation from the Los Gatos Hillside Preservation League, a group of Los Gatos citizens and residents, expressing concern about environmental threats to their surrounding area as a result of surface mining operations being performed by Western Aggregates at the Lexington Quarry, Santa Clara County, California. Issues were raised pertaining to the surface mining operations being out-of-compliance with its approved reclamation plan, and whether the lead agency, Santa Clara County, was administering SMARA in an appropriate manner.

REGULATORY BACKGROUND: Pursuant to Public Resources Code (PRC) Section 2774.4(a), *"If the board finds that a lead agency either has (1) approved reclamation plans or financial assurances which are not consistent with this chapter, (2) failed to inspect or cause the inspection of surface mining operations as required by this chapter, (3) failed to seek forfeiture of financial assurances and to carry out reclamation of surface mining operations as required by this chapter, (4) failed to take appropriate enforcement actions as required by this chapter, (5) intentionally misrepresented the results of inspections required under this chapter, or (6) failed to submit information to the department as required by this chapter, the board shall exercise any of the powers of the lead agency under this chapter, except for permitting authority."*

BACKGROUND: Following receipt of the report prepared by Testa Environmental Corporation dated March 18, 2005, from the Los Gatos Preservation League, the office of the SMGB on March 22, 2005, inquired from the Office of Mine Reclamation (OMR) whether there were any outstanding compliance issues with the Lexington Quarry, and that it would welcome any comments on the matter. The report prepared by Testa Environmental Corporation raised a number of compliance-related issues, and also questioned the lead agency's ability to administer SMARA in an appropriate manner.

OMR subsequently performed two inspections of the Lexington Quarry, and summarized their results in a draft report dated July 12, 2005. Three violations were noted, along with several corrective measures. The violations included: 1) the operator conducting operations outside of the approved reclamation plan, with over-steepened slopes, 2) the operator intercepted



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groundwater and there were no provisions for encountering groundwater in the approved reclamation plan, and 3) the operator failed to adjust the financial assurances for new lands disturbed and changes in site conditions. The issues noted in the report prepared by OMR raised other issues pertaining to the County's performance as a lead agency. As a result, OMR provided a preliminary assessment of the County's overall performance at the SMGB regular business meeting held on September 22, 2005. At the regular business meeting of the SMGB held on November 10, 2005, the SMGB requested that OMR compile information regarding the County's overall performance as a lead agency, and to update the SMGB at its January 2006 regular business meeting. In addition, OMR indicated that it would finalize the Lexington Quarry inspection report, with consideration of additional information provided by the Los Gatos Preservation League.

OMR staff is prepared to summarize the results of their review of files and other pertinent documentation. OMR plans to present the results of their review and monitoring of the lead agency's mine inspection activities, and analysis of overall lead agency performance in accordance with SMARA, at the SMGB's regular business meeting scheduled for May 12, 2006.

EXECUTIVE OFFICER'S CONSIDERATION: The aforementioned summary is for the SMGB's information, and no recommendations are being considered by the Executive Officer at this time.



THE OFFICE OF MINE RECLAMATION WILL MAKE A
VERBAL REPORT ON THIS ITEM AT THE MEETING

